

MEMORANDUM

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May 28, 2008

Hon. Richard J. Sullivan
United States District Judge
United States District Court
500 Pearl Street, Room 615
New York, New York 10007

Re: Jose Garcia v. City of New York, et al., 08-CV-4274 (RJS)

Your Honor:

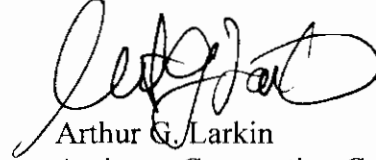
We represent the City of New York in the referenced matter, which involves claims that plaintiff Jose Garcia was wrongfully arrested, prosecuted and convicted of murder in or about 1993, and was wrongfully incarcerated for sixteen (16) years, from approximately 1991-2007. Plaintiff was released from custody after his petition for a writ of habeas corpus was conditionally granted by Judge Lewis Kaplan. *See Garcia v. Portuondo*, 459 F. Supp. 2d 267 (S.D.N.Y. 2006). In addition to the City, former NYPD detective Anthony Pezzullo, former assistant district attorney Curtis Farber, and assistant district attorney William Zelenka are named as defendants. We respectfully request that the court grant defendants a sixty (60) day extension of time to answer, move or otherwise respond to the complaint, from June 2, 2008, to Aug. 2, 2008. Plaintiffs' counsel has consented to this request. No prior requests for an extension have been made.

We seek this enlargement of time for several reasons. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint, and to review the underlying documentation related to plaintiffs' claims (including the trial transcripts, post-trial proceedings and papers filed in support of plaintiff Jose Garcia's habeas petition). We respectfully seek the additional time to make an effort to obtain these records to the extent we are able, so that we may investigate plaintiffs' allegations as thoroughly as possible. Furthermore, because plaintiffs have alleged physical and emotional injuries as a result of the events complained of, this office is in the

process of forwarding to plaintiffs for execution a consent and authorization for the release of medical records, limited, at this juncture, to medical records concerning treatment received as a result of the alleged incidents, so that defendant can properly assess the case and respond to the complaint.

We thank the Court for its consideration of the foregoing request.

Respectfully submitted,



Arthur G. Larkin
Assistant Corporation Counsel

AGL/m

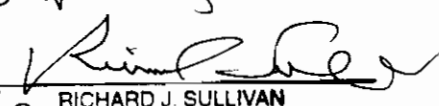
cc: Nick Brustin, Esq.

The time to answer, move or otherwise respond to the complaint is extended to August 2, 2008. No further extensions will be granted absent truly compelling circumstances.

SO ORDERED

Dated

5/29/08


RICHARD J. SULLIVAN
U.S.D.J.